

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                     |   |                      |
|---------------------|---|----------------------|
| MISTY D.,           | : |                      |
| Plaintiff,          | : |                      |
| v.                  | : | Case No. 3:20-cv-378 |
| COMMISSIONER OF THE | : | JUDGE WALTER H. RICE |
| SOCIAL SECURITY     | : |                      |
| ADMINISTRATION,     | : |                      |
| Defendant.          | : |                      |

---

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #13);  
REVERSING THE COMMISSIONER'S NON-DISABILITY  
DETERMINATION AND REMANDING CASE TO THE SOCIAL  
SECURITY ADMINISTRATION UNDER SENTENCE FOUR OF 42  
U.S.C. § 405(g) FOR FURTHER CONSIDERATION; JUDGMENT TO  
ENTER IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT;  
TERMINATION ENTRY

---

On March 10, 2022, United States Magistrate Judge Caroline H. Gentry issued a Report and Recommendations, Doc. #13, recommending that the Court reverse the Commissioner's non-disability determination, make no finding as to whether Plaintiff was under a "disability" within the meaning of the Social Security Act, and remand the matter to the Social Security Administration under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendations. Although the parties were notified of their right to

file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections were filed within the time allotted.


Based on the reasoning and citations of authority set forth in the Report and Recommendations, Doc. #13, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety and REVERSES the Commissioner's non-disability determination.

The Court makes no finding as to whether Plaintiff was under a "disability" within the meaning of the Social Security Act, but instead REMANDS the matter to the Social Security Administration under sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the Report and Recommendations.

Judgment shall be entered in favor of Plaintiff and against Defendant.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: March 25, 2022

  
\_\_\_\_\_  
WALTER H. RICE  
UNITED STATES DISTRICT JUDGE